THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 8464 of 1997

DATED: 09-02-2007

Between:-

T.Narsimha Rao s/o T.V. Narsaiah, aged about 54 years, R/o Markapur, Prakasham District and 6 others.

...

PETITIONERS

And

The Vice-Chairman and Managing Director, APSRTC, Musheerabad, Hyderabad

...

RESPONDENT

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 8464 of 1997

O R D E R

The proceedings of the Chief Manager (Personnel), dated 13.01.1992, wherein it was clarified that the service rendered by employees in the Srisailam Devasthanam need not be taken into account except for the purpose of considering their children under 30% quota, is impugned in this writ petition. Petitioners would contend that these proceedings are being used against petitioners to deny them entrustment of duties as Conductors in Express Buses which involves light duties.

Facts, in brief, are that the petitioners were originally appointed in the transport wing of Sri Bramaramba Mallikarjuna Swamy Devasthanam, Srisailam, Kurnool District. Vide G.O. Ms. No. 1185, dated 16.07.1984. The transport wing of Sri Bramaramba Mallikarjuna Swamy Devasthanam was handed over to the A.P.S.R.T.C. The said G.O. was questioned in W.P. No. 12255 of 1984 and was struck down on the ground that there was no resolution by the Devasthanam to hand over the transport wing. The Government issued G.O. Ms. No. 977, Revenue (Endts.III) Department, dated 30.09.1989, effecting transfers of the employees of the transport wing to A.P.S.R.T.C, with effect from 01.10.1989 which was the subject matter of challenge in W.P. No. 11772 of 1990, wherein it was held that the service rendered

by transferred employees prior to the date of transfer should be taken into account for all purposes by the A.P.S.R.T.C. except for the purpose of considering their claims for promotions to next higher posts in the A.P.S.R.T.C. and that, for promotion to higher posts, the service rendered by the transferred employees subsequent to the date of transfer shall be taken into account.

Petitioners would contend that senior conductors are provided with express charts, which involves light and dignified duties, that they are seniors in the cadre of conductors and even though they are seniors the authorities, ignoring their claims, were giving express charts to their juniors. They would refer to some correspondence, which indicates that the petitioners and others similarly situated were to be given express charts. One such proceedings issued on 9-9-1993 was challenged in W.P. No. 2026 of 1994. Aggrieved by the action of the authorities in placing some of their juniors on express chart duties, the petitioners filed W.P. Nos. 12685 of 1994 and 28501 of 1995 and, by order dated 13.07.1994, interim directions were passed to consider the case of the petitioners for express chart duties. According to the petitioners, it is only when they filed a Contempt Case did the authorities implement the orders. Petitioners would refer to few other writ petitions in this regard and contend that the impugned circular came to be issued which, in effect, disentitled them from being provided with express chart duties.

Sri K. Govind, learned counsel for the petitioners, would submit that since the petitioners are entitled to seniority for all purposes except for promotion in accordance with the orders of this Court, their seniority must also taken into consideration for providing express chart duties, and that the respondents were not entitled to ignore their claims and to provide express chart duties to their juniors.

Sri R. Manmadha Reddy, learned Standing Counsel for the respondent-corporation, on the other hand, would contend that W.P. Nos. 14425 and 14616 of 1990 and 11772 of 1990 were disposed of by this Court holding that the service rendered by transferred employees prior to the date of transfer should be taken into account for all purposes by the A.P.S.R.T.C. except for the purpose of considering their claims for promotion to next higher posts in the R.T.C, that the service rendered by these transferred employees subsequent to the date of transfer shall be taken into account for the purpose of promotion. Learned Standing Counsel would submit that a similar request made by certain erstwhile employees of Srisailam Devasthanam came up for consideration before this Court in W.P. No. 26446 of 1996 and, by order dated 10.09.1997, the writ petition came to be dismissed.

In this context, it is useful to extract the order of this Court in W.P. No. 26446 of 1996, dated 10.09.1997 wherein the learned Judge observed thus:

> "It is clear case of the Corporation that express chart duties i.e, conducting of express and deluxe buses are entrusted to the senior Conductors. It is not a promotion, but an arrangement to avoid strenuous work by the senior members amongst conducts. For this purpose respondent Nos. 5 to 11 are to be treated as seniors to the petitioner and, therefore, the express chart duties were entrusted to them.
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> In my considered opinion, there is no need to go into the question as to whether the petitioners are seniors to respondents 5 to 11 or vice versa. Entrustment of express chart duties is not a promotion. As a measure of policy, the Corporation appears to have taken a decision to entrust express chart duties to the seniors amongst the cadre of Conductors. Such entrustment has no bearing whatsoever upon the service conditions in the cadre of Conductors. In my considered opinion, the Corporation is always free and entitled to even change and revise the policy and depending on the exigencies may even entrust the express chart duties to whomsoever it may consider in the best interest of the Management. It is an issue relating to the internal management of the Corporation. Judicial review in such circumstances would

> not lie and no writ could be issued by this Court compelling the Respondent-corporation to entrust express chart duties in any particular manner. The choice and discretion always lies with the Corporation. For the present, the Corporation thought it fit to entrust the express chart duties to senior conductors. At the same time, it can entrust such duties to any of the conductors. No writ would lie since such entrustment of duties either to the petitioners or the respondents 5 to 11 would not adversely effect their service conditions by such decision of the Corporation. The petitioners have no right to insist that they alone must be given the express chart duties. Any order in favour of the petitioners would amount this Court interfering in the internal management of the respondent-corporation."

As has been held in the aforesaid judgment, entrustment of express chart duties does not amount to promotion and has no bearing whatsoever upon the service conditions in the cadre of Conductors and since these are all matters of policy, the Corporation is always free and entitled to even change and revise the policy and, depending on the exigencies, entrust express chart duties to whomsoever it may consider in the best interest of the Corporation. The learned Judge observed that it was an issue relating to the internal management of the Corporation, that judicial review would not lie and no writ could be issued by this Court compelling the respondent-corporation to entrust express chart duties in any particular manner.

In view of what has been held in the aforesaid judgment, no right accrues to the petitioners to claim that they, being erstwhile employees of the Srisailam Devasthanam, are entitled, as a matter of right, to be given the benefit of entrustment of express chart duties. No such right accrues to the petitioners on the basis of their seniority. It is for the Corporation, in its wisdom, to decide to whom express chart duties should be entrusted.

The writ petition is wholly misconceived and is accordingly dismissed. However, in the circumstances, without costs.

RAMESH

RANGANATHAN, J
Dated: 09-02-2007
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